

INTER-OFFICE COMMUNICATIONS

Palm Beach County, Florida

TO: John Sansbury, County Administrator
Lisa Heasley, County Attorney's Office
Herb Kahlert, County Engineer
David Blutworth, State Attorney
Joy Shearer, Asst. Attorney General
Captain Cook, Sheriff's Dept. - Civil
Frank Schulz, Sheriff's Office
(Susan) --- Bob Basehart, Planning, Zoning & Bldg.
Bob Palchanis, Building Division, Director
Sandy Sprague, Assistant County Attorney
Patty Young - 4th District Court of Appeals
Law Library
(2) County Library

DATE: September 24, 1985

FROM: John W. Dame, Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION

ORDINANCE NO. 85-27

TITLE REFERENCE:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA: DECLARING A TEMPORARY MORATORIUM UPON THE ACCEPTANCE OF NEW APPLICATIONS FOR PERMITS TO ERECT OR REPAIR BILLBOARDS; DIRECTING STAFF TO REVIEW BILLBOARD POLICY AND TO SUBMIT SUGGESTED CODE REVISIONS; PROVIDING FOR AUTOMATIC TERMINATION OF TEMPORARY PERMIT MORATORIUM; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attached is a copy of the above referenced Ordinance of Palm Beach County. \ This Ordinance has been filed with Florida Department of State and forwarded to Municipal Code Corporation for codification. The effective date is September 23, 1985 at 4:52 P.M.

Signed


Deputy Clerk

JWD:

Attachment

* cc: Commissioners, BCC
Clerk
Minutes

*If a complete copy of ordinance is needed, please advise this office and we will be happy to provide a copy.

ORDINANCE NO. 85-27

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA: DECLARING A TEMPORARY MORATORIUM UPON THE ACCEPTANCE OF NEW APPLICATIONS FOR PERMITS TO ERECT OR REPAIR BILLBOARDS; DIRECTING STAFF TO REVIEW BILLBOARD POLICY AND TO SUBMIT SUGGESTED CODE REVISIONS; PROVIDING FOR AUTOMATIC TERMINATION OF TEMPORARY PERMIT MORATORIUM; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Section 125.0125 of Florida Statutes establishes the right and power of counties to enact ordinances regulating signs; and

WHEREAS, increasing concern has recently been expressed by the public regarding the proliferation of billboards throughout the unincorporated area of Palm Beach County; and

WHEREAS, lack of clear County policies regarding the regulation of billboards has contributed to the problem of visual and aesthetic pollution arising from the proliferation of billboards; and

WHEREAS, inadequate property development regulations governing the installation of billboards have led to instances of conflict between the requirements of the Palm Beach County Sign Code and the Palm Beach County Zoning Code, particularly with regard to the proximity of billboards to principal structures, the relationships between billboards and accessory on-premises signs, and the location of billboards in parking areas, in required yard setback areas, and in required landscape strips; and

WHEREAS, the proliferation of billboards relates to the health, welfare, and safety of the residents of and visitors to Palm Beach County; and

CODING: Words ~~struck through~~ are deletions from existing law; words underlined are additions to existing law.

1 WHEREAS, the Board of County Commissioners has directed
2 staff to expedite review of and to recommend revisions to the
3 provisions of the Palm Beach County Sign Code and the Palm Beach
4 County Zoning Code, with particular attention to be paid to the
5 problems caused by proliferating billboards; and

6 WHEREAS, such a policy review will in all likelihood
7 encourage outdoor advertising firms to attempt to submit an
8 extraordinary number of applications for permits to erect
9 billboards in order to vest rights before improved property
10 development regulations can be considered and adopted, thus
11 frustrating the intent of the Board of County Commissioners to
12 correct deficiencies in current law; and

13 WHEREAS, the continued issuance of permits under the
14 existing code provisions during a period when code revisions are
15 pending will result in the creation of additional non-conforming
16 land uses which will be difficult and costly to remove at a later
17 date; and

18 WHEREAS, the adoption by the Board of County Commissioners
19 of a temporary moratorium on the acceptance of new applications
20 for permits to erect or repair billboards during the period in
21 which legislative changes are pending will adequately protect the
22 public interest; and

23 WHEREAS, the Board of County Commissioners of Palm Beach
24 County, Florida, sitting as the Local Planning Agency, has
25 determined that a temporary moratorium on the acceptance of
26 applications for permits to erect or repair billboards is
27 consistent with the adopted Comprehensive Plan of Palm Beach
28 County, as required by Chapter 163, Section 163.3194(2)(a) of
29 Florida Statutes;

30 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
31 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:
32 CODING: Words struck through are deletions from existing
33 law; words underlined are additions to existing law.

1 SECTION 1. TEMPORARY MORATORIUM DECLARED UPON THE
2 ACCEPTANCE OF NEW APPLICATIONS TO ERECT OR
3 REPAIR BILLBOARDS.

4 A moratorium is hereby declared upon the acceptance of new
5 applications for permits to erect or repair billboards within the
6 unincorporated area of Palm Beach County. No County agency shall
7 accept such permit applications while the temporary moratorium is
8 in effect, as provided in Section 3 of this Ordinance.

9
10 SECTION 2. STAFF DIRECTED TO REVIEW BILLBOARD POLICY AND
11 SUBMIT PROPOSED CODE REVISIONS.

12 The Department of Planning, Zoning, and Building is
13 directed: (1) to create an ad hoc advisory committee representing
14 a balanced cross-section of persons having an interest in the
15 problems of billboard regulation; (2) immediately to initiate a
16 review of problems caused by the proliferation of billboards in
17 the unincorporated area of Palm Beach County; (3) to identify
18 policy options for elimination of these problems, including the
19 possibility of prohibiting the erection of billboards in Palm
20 Beach County; and (4) to draft and submit for adoption ordinance
21 amendments which will adequately address problems caused by the
22 proliferation of billboards. Suggested ordinance amendments shall
23 be submitted within the time period for review established by
24 Section 3 of this Ordinance.

25
26 SECTION 3. AUTOMATIC EXPIRATION OF TEMPORARY PERMIT
27 MORATORIUM.

28
29 Unless sooner terminated or extended by the Board of County
30 Commissioners, the temporary permit moratorium established by
31 Section 1, above, shall automatically expire six (6) months from
32 the effective date of this ordinance.

33 SECTION 4. REPEAL OF LAWS IN CONFLICT.

34 All local laws, ordinances, or resolutions applying to Palm
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1 Beach County in conflict with any provisions of this ordinance
2 are hereby repealed.

3
4 SECTION 5. SEVERABILITY.

5 Should any section, paragraph, sentence, clause, or word of
6 this ordinance be held to be unconstitutional, inoperative, or
7 void, such holding shall not affect the validity of the remainder
8 of this ordinance.

9
10 SECTION 6. EFFECTIVE DATE.

11 The provisions of this ordinance shall become effective upon
12 receipt of acknowledgment of the Secretary of State of the State
13 of Florida.

14
15 APPROVED AND ADOPTED by the Board of County Commissioners of
16 Palm Beach County, Florida, on this 10th day of September, 1985.

17 PALM BEACH COUNTY, FLORIDA, BY ITS
18 BOARD OF COUNTY COMMISSIONERS:

19
20 ✓ By: [Signature]
21 Chairman

22 Acknowledged by the Department of State of the State of
23 Florida, on this, the 18th day of September, 1985.

24 EFFECTIVE DATE: Acknowledgment received from the Department
25 of State of the State of Florida, on this, the 23rd day of
26 September, 1985, at 4:52 P.M., and filed in the Office of the
27 Clerk of the Board of County Commissioners of Palm Beach County,
28 Florida.

29 APPROVED AS TO FORM
30 AND LEGAL SUFFICIENCY:

31 By: [Signature]
32 County Attorney

33 STATE OF FLORIDA, COUNTY OF PALM BEACH
34 I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy. This original filed in
my office on September 10, 1985.
DATED at West Palm Beach, FL on 9/24/85.
JOHN B. DUNKLE, Clerk
By: [Signature] D.C.
Deputy Clerk

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